

#### BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

September 23, 2013 Francis Faulkner Hearing Room 7:00 p.m.

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

#### CITIZENS' CONCERNS

None

#### CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux He is working on finalizing the strategic plan for town departments, a key component of which is the succession plan for staff, and is hoping to present the plan at one of the October BOS meetings. Gower Field Playground will go out to bid on October 2nd. He has formed another tiger team to look at permit fees. FY'15 Budget retreat known as "On the Hill" will be held on October 1st and 2nd He is currently attending the International City Management Association meeting in Boston. Over 4,000 attendees from all over the United States and Europe are present. Tomorrow morning he will make his presentation on Acton's Visitor Code of Conduct.

Ms. Adachi The town held a well attended remembrance ceremony on 9/11 at the Public Safety Building. Janet and Mike joined town staff for the Team Building Day at NARA. One of the two mandatory Open Meeting Law trainings was held and the final one will be held on September 25, 2013. The Morrison Farm Committee has been conducting walks and has more scheduled for Saturday, September 28th at 9:00, October 6 and October 12. She reminded the board about the Ribbon Cutting at Whittlesey Village planed for September 30th.

During the October 7th BOS meeting, Morrison Farm will be discussed and, Nancy Banks, the Board's Representative to Minuteman Tech School Committee, will be in to talk about Minuteman. Ms. Adachi spoke about the sign enforcement issue that began in November 2011 regarding lost dog signs in Acton and other communities for a lost husky dog from Littleton. The town hasn't removed any signs from telephone poles or from private property, but has taken down A-frame signs left on the public right of way. This is not an issue of the town being mean, but it is a bylaw that must be enforced equally. Ms. Adachi read the W. R Grace press release regarding the well's eminent shutdown. She also read the request from the school committee for volunteers to the Superintendent Search Committee. The committee will include three parents and two community members. If you are interested, send a brief statement of interest to the Acton, Boxborough, and Regional school committee chairs.

#### **PUBLIC HEARINGS & APPOINTMENTS**

#### **NSTAR JACKSON DRIVE - CONDUITS AND POLE**

The Representative from NSTAR was present and asked that the Board approve the installation of a new pole and conduit to service #2 Jackson Drive. Mr. Clough asked if this was to service a house that was currently being built or if it was for a future planned development. It is for a house currently under construction.

Mr. Gowing asked if the conduit will transverse under the street. It will go under the grassy area and not affect the pavement.

Mr. Gowing - Moved to approve. Mr. Clough - second. UNANIMOUS VOTE

### NON-DISPLAY CLASS II DEALERS LICENSE, 107 GREAT ROAD, SUITE 3, MILL DAM LEASING

Mr. Bertolami was present to discuss his project. He wants to move to a new location in Weatherbee Plaza. The new location is in a building Mr. Bertolami owns and is more than double the square footage than the current location. Mr. Bertolami acknowledged he cannot have any vehicles on site in or outside as he is applying for a Non-Display Internet sales only license. Mr. Sonner Moved to approve. Mr. Gowing second. UNANIMOUS VOTE

## NON-DISPLAY CLASS II DEALERS LICENSE, 107 GREAT ROAD, SUITE 1&2, NORTHEAST COLLECTION, INC.

Mr. Bertolami's Counsel, Chip Nyland spoke about the plans to create an automobile museum at this location the first two units would be the museum and the third is for the leasing business for which the Selectmen just approved the non-display license. Mr. Bertolami would like to have a place to display his car collection and hopes to offer some instruction on the site, which is why they are looking at applying for the license under one of the educational bylaws.

Mr. Nyland is working with the Zoning Officer to determine exactly which bylaw applies and to find out whether or not they need to become a 501 C3 nonprofit organization first. However, he pointed out that the non-display license is a separate issue and that is what they are asking for from the Board tonight.

Mr. Sonner asked if the vehicles in the show room would be for sale. Mr. Bertolami said maybe but it is not their intention, it is for his collection and will offer instruction/education about the automobiles. He would like the ability to be able to sell one of the vehicles if he is made a good offer.

Mr. Gowing asked if Suites 1 and 2 would be separated from suite 3. Mr. Bertolami said they would be but that suite 3 may be used for overflow for some of his cars. Mr. Gowing asked how many cars Mr. Bertolami intends to have. He indicated that it would be fifteen cars with five potentially overflowing into suite 3. Mr. Gowing expressed his concerns that this sounds more like a rare car dealership than a museum. Mr. Nyland said that they've

known it will be perceived as a dealership but that is not their intention and that they have offered to cap the number of cars sold per year, etc.

Ms. Green asked if there would be any cars displayed outside and was told that they would all be inside. She asked how many cars Mr. Bertolami expected to sell a year. He said he would be willing to cap the number at five and only intends to sell as a way to create turn over and keep the museum interesting. Ms. Green asked about the nature of the instruction courses.

They plan to hold lectures, etc. on the history of the cars, the mechanics of the cars, and on how to go about collecting old cars.

Mr. Clough asked if the cars are not primarily for sale, would they be listed on the internet? With this license, the only way they can be sold is through the internet. Mr. Clough expressed his concern that having them always listed on the internet is different than having the license in order to sell only if someone makes an offer Mr. Bertolami can't refuse. Mr. Bertolami explained that it takes years to create this kind of collection so you don't want to sell the cars but as one gets stale, he may want it to be available for sale. He also indicated that they will be listed on the internet for display not for sale. Mr. Clough would like to know more of the specifications of these vehicles. Do they need to be old and have value and what makes it special? Mr. Nyland indicated that it varies but most of the cars were either quite old, the first to come off the line, or a type of car that is no longer manufactured.

Ms. Adachi shares the concerns about having a non-display license but still having these cars for display and potentially for sale. She is concerned and also a connection to a internet license and inventory may turn over and provides incentive for selling the cars or suggest sale is the way they inventory will turn over. She was concerned about the provisions in the bylaws. She is uncomfortable with this use and feels he is looking to get around it. He needs to provide more information.

Scott Mutch, the Zoning Enforcement Officer, said he is not objecting to the non display license, but once there is a vehicle there they cannot allow it. Mr. Bertolami said that he will not put vehicles for display until it has been determined it is allowed.

Mr. Sonner spoke about cars online and where does it switch from display to retail. They said they need to work it out with Planning Department. Mr. Bertolami said it will not be a car dealership. Mr. Clough said he has concerns about the intent of the museum. Mr. Gowing Moved to continue to October 21, 2013 at 7:30. Mr. Sonner- second UNANIMOUS VOTE

#### **ASA PARLIN HOUSE**

Dean Charter was present to outline the Asa Parlin House space needs study and CPA study conducted last year. The Space Needs Study revealed no overwhelming public need to retain the house. CPA review of the building recommended possibly retaining a portion of the house to be used for storage or maybe an undetermined use in the future. The Historic District Commission came to ask for \$283,000 to carry out the work outlined in the report and was denied last year. When the town purchased the house, we wanted the land, not the

house and for over 20 years it has been deteriorating and we still have no use for it. He recommends that

we move forward and declare the building surplus property. He suggested putting it out to REP to see if anyone wants to take the building or parts of it. The goal is to have the house not owned by the town. Neighbors want to retain the green space. We should sell it off and landscape it. Ms. Adachi said that the space study noted it was not useful.

Mr. Sonner asked if the RFP would be looking for someone to take the entire house or just to sell it piece meal. RFP process will allow them to look at bids for both scenarios. He feels we need to look at the traffic study of town common and wait until the building is gone before we decide what to do with the space.

Mr. Clough agreed that putting parking in the area where the house stands isn't a good plan. He also wanted clarification on who would make the final call on which RFP proposal to accept and how the Board will be involved throughout the process. Dean said Town Manager will have the authority. Mr. Clough agrees that it makes sense to dispose of the building and then see what the will of the town is in terms of reusing the land.

Mr. Gowing noted that the Mendors Torry Spencer Study determined we need remediation for the asbestos, which has not yet been done. He asked if we are going to remove it to recycle it, much the way the WAVE is using old building parts.

Ms. Green noted the cost to get it in shape for storage space would be around \$350,000. If no one takes it away the cost would be \$80,000 to demolish. She agreed with disposing of the building and then seeing what the town wants to do with the land.

Ms. Adachi noted that she likes the idea to have it recycled in to a gazebo and have it remain green space. She also asked if the building is exempt from the historic bylaw. The town will steal need to file with the HDC but Dean wanted to get the BOS's approval before proceeding with that step.

David Honn wanted to clarify it is in a historic district and noted that the HDC does not generally approve demo unless the building is condemned. The WAVE Project had a fellow remove 75% of the building materials, leaving only 25% to deal with. He would like Dean to come back to the HDC. He said it would be nice to get another house on that property.

Michaela Moran spoke about the demolition and how it is disturbing to her because we are looking at the historic district center and the town who has allowed the house to be demolished by neglect. She feels the town has disrespect for old buildings. She said we need to get a demolish by neglect bylaw in place. She is disappointed that the boards and town managers haven't done anything to preserve the building.

Herman Kabakoff noted he was part of the purchase known as the Valencourt house. Socially, he has been to the house for visits and did not realize it was special. The house was taken for parking and the Valencourt's wanted to sell it for a good price. It would provide more parking and it was later discovered that there was an imbedded area of significance in the house.

Mr. Sonner wants to move ahead with REP process. Mr. Sonner Moved to authorize Dean Charter to work with the Town Manager and issue REP and evaluate the proposals for doing something with the ASA Parlin House. Ms. Green second. UNANIMOUS VOTE. It was noted that if someone came forward we would entertain the sale of the house. Mr. Sonner - Move to declare the house as Surplus Property and when Dean gets responses to the REP have a joint meeting with HDC to discuss the results. Ms. Green second. UNANIMOUS VOTE

#### ACTON TV MEMORANDUM OF UNDERSTANDING, PROPOSED REVISION

Simon Bunyard spoke about proposed changes to Acton TV's MOU. They are concerned about revenues in the future. The cable companies give us \$380,000 in fees which flows to Acton TV. They need to expand revenue sources. They want to be allowed to rent the facility and equipment for commercial use and allow memberships by non-Acton residents for higher fees.

Mr. Gowing noted the final language needs to be reviewed by Counsel. They put constraints when they originally drafted the MOU. They have exceeded what they were expected to do. This will allow them to do things they want to do. As cable use has declined they need to do this to continue.

Ms. Green noted that she doesn't have cable and many people her age also do not have cable. They are the reason why Acton TV needs to look at modifying their revenue sources. She asked about what a membership with Acton TV entails. Mr. Bunyard that with membership you have to attend trainings to learn how to use the equipment and then you can use it to make shows, etc. You also have to agree to provide any material you make to Acton TV for broadcast. She also asked how much outside interest they expect. Mr. Bunyard noted that they offer a lot more than surrounding communities and expect there will be interest from non-Acton residents.

Mr. Clough asked about utilization of the studio. Mr. Bunyard said they have 318 members who have gone through 4 day class. Currently there is no renewal fee for memberships so they expect that number would decline some when they institute a renewal fee. They get 7 new members a month. Productions are at 570 and are on demand. They create 250 productions per year with 3 per week in the studio. Mr. Clough asked about the percent of studio time currently being used about 15%. He also asked about the equipment. They currently have 8 cameras and, except during football season, only a few are out at any time. However, on weekends, the cameras are usually tied up but their capital plan does include buying additional cameras. It was noted that the cameras are HD but the studio equipment is SD it is a major upgrade to change everything to HD however that will happen eventually. Mr. Sonner asked if they anticipate any changes to the MOU down the road. Mr. Buynard thinks this set of changes will take a while to have an effect and doesn't see another need unless these changes lead to a need for greater expansion. Mr. Sonner noted that this was an easy change to support.

Ms. Adachi asked if Acton would remain central to the station as they expand. Mr. Bunyard said yes. Ms. Adachi appreciated the idea of expanding the services as long as we don't lose sight of who the host town is. Ms. Adachi said it makes sense to amend the MOU.

Mr. Gowing - Moved direct the Town Manager review language with Cable Counsel to allow studio and equipment rentals and to expand outside of Acton membership. Mr. Sonner-second UNANIMOUS VOTE

#### **SELECTMEN'S BUSINESS**

None

#### SELECTMEN'S REPORTS

Ms. Green The School Committees met twice since our last meeting. As Janet mentioned at the beginning of the meeting, Superintendent Mills is resigning at the end of the year. The School Committee is forming a Superintendent Search Committee. If you'd like to volunteer, email the chairs of the Acton, Boxborough, and Regional School Committees with a short statement on your interests and qualifications by October 1st They also expect to hold a number of public forums during the search process.

Mr. Sonner SATSAC continuing to publicize updates on construction at South Acton Station and they are looking at putting up historical signs at the station and plan to work with the HDC on that project. They are also looking into the parking area the MBTA is buying off of Maple St.

Mr. Clough -Jackson Drive subdivision was brought before the Planning Board. They are proposing five houses on a lot that currently has one house. The hearing was continued as this was a very contentious issue. He noted if it meets the bylaw we cannot deny. They also discussed the proposed cell tower and the benefits of the tall tower v. mono pine. The Board wants to do more research and look at their options. Finance Committee had the Town Manager as their guest at their last meeting. He addressed questions re: the FY'14 and FY'15 budgets.

He also discussed town hall construction, OPEB, the space needs study, Kelley's Corner expansion, and the solar panel project. The Committee will discuss the nursing service in October. They are also indicating that they may recommend less than a 2.5% increase next year.

Ms. Adachi - At the ALG meeting the Supt. suggested second joint meeting and need for agenda and will discuss with their boards. Regional Finance Committee met for the first time and affirmed their desire to see concrete evidence of savings, how the savings are being used, and evidence of nonfinancial benefits. Cultural Council is preparing for their new grant year and will be receiving more grant funds from the State this year. Acton Community Housing Corporation met and Mary Ann Ashton from the Morrison Farm Committee spoke to them about the possibility of using the Morrison house for affordable housing. There would need to be changed to the road and driveway. The NPFH offshoot group is still meeting and talking about outreach and what they want to accomplish and how to explain what they want to do. Safety Net met and discussed increasing numbers of residents needing basic services. Looking at homelessness and put out fact sheet to raise funds.

Mr. Gowing MAGIC Boxborough completed their police contract they got what fire got. They received an application for a 225 rental unit facility at the junctions of 111 and 495.

Maynard has been contacted by the Concord Mews to explore an additional 200 units on the

Stratus computer property. Hudson, Intel has notified them that they are closing their manufacturing 700 jobs but keeping 400 R&D jobs. Carlisle, will be putting up Blue Jay recording studios for auction, taken for taxes. Sudbury, voted to match the BFRT funding to achieve 100% design. Stow, held a gun control seminar Jamie Eldridge attended that only drew about 40 people. Lexington, will be adding eight portable classrooms to the middle school.

They are considering a bio digester at their transfer station and have begun the medical marijuana zoning process. Concord, the BFRT bridge committee will be delayed on their presentation for the route to crossing to Massdot. I was elected vice chair to complete the term of Jen Burnie (Berlin) who had to resign.

RTAC Beverly Scott, director of the MBTA, addressed the committee on the MBTA's plans for capital improvement and staffing. She indicated that building the teams esteem was her primary goal in coming in. Capital improvements and ongoing operational expenses were her second. Debt reduction was last. I was nominated for, and accepted, vice chair the election will be held at our October meeting. HDC had to call an emergency meeting to address an abutters concern for the building project. The meeting conflicted with another already scheduled meeting.

CAB -canceled meeting due to lack of quorum

Town staff teambuilding \_teambuilding drills were held up at NARA last Thursday working on creative ways to solve problems and working as a team to overcome obstacles.

ALG \_a new spreadsheet format was presented by Fincom as a recommendation for next year's town warrant. It is still in discussion and will be finalized at our next meeting. MFC \_Morrison farm committee met to discuss the preliminary costs of each element updated for this year. Their main focus will be on the trails, parking, and the restoration of the Robbins cellar hole/alarm stone.

#### CONSENT

Mr. Gowing Move	ed to approve the Consent	Items Mr. Sonner second	. UNANIMOUS VOTE
Christine Joyce C	Clerk	Clerk	
Recording Secty		Date	

## BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Francis Faulkner Hearing Room September 23, 2013 7:00 P.M.

#### I. CITIZENS' CONCERNS

#### II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE

The Chairman will briefly undate the Board. The Town

The Chairman will briefly update the Board. The Town Manager will provide a brief report.

- 2. 7:10 NSTAR JACKSON DRIVE, UTILITY POLE AND CONDUITS
  See enclosed materials
- 3. 7:15 NON-DISPLAY CLASS II CAR DEALER LICENSE, 107 GREAT ROAD, SUITE 3, MILL DAM LEASING COMPANY, INC.

  See enclosed materials
- 4. 7:25 NON-DISPLAY CLASS II CAR DEALER LICENSE, 107 GREAT ROAD SUITES 1 & 2, NORTHEAST COLLECTION. INC.

  See enclosed materials
- 5. 7:45 ASA PARLIN HOUSE DISCUSSION [See link on memo to materials]
- 6. 8:10 ACTON TV MEMORANDUM OF UNDERSTANDING, PROPOSED REVISION

See enclosed materials

**SELECTMEN'S BUSINESS** 

#### **SELECTMEN'S REPORTS**

- III. CONSENT AGENDA
  - 7. ACCEPT MINUTES, BOARD OF SELECTMEN, AUGUST 5, 2013 REGULAR AND CONFIDENTIAL

See enclosed materials

## 8. COMMITTEE APPOINTMENT – DESIGN REVIEW BOARD, KIM MONTELLA, ASSOCIATE MEMBER, TERM TO EXPIRE 6/30/14

See enclosed materials

## 9. COMMITTEE APPOINTMENT – SIDEWALK COMMITTEE, K. RANDALL BASHTA, TERM TO EXPIRE 6/30/16

See enclosed materials

#### ONE DAY LIQUOR LICENSE, EXCHANGE HALL, 2 SCHOOL STREET See enclosed materials

## 11. ONE DAY LIQUOR LICENSE, NARA PARK IBM, LITTLETON COMPANY OUTING

See enclosed materials

## 12. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY See enclosed materials

#### 13. ACCEPT GIFT, PLANNING DEPARTMENT

See enclosed a gift of \$11,666.67 to be used for affordable housing in the area of the project, off Harris Street and Quarry Road

See enclosed materials

#### **EXECUTIVE SESSION**

#### **ADDITIONAL INFORMATION**

See enclosed correspondence that is strictly informational and requires no Board action

#### FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda

October 7

October 21

#### PENDING MINUTES

#### PENDING COMMITTEE APPOINTMENTS

May 13, September 9

#### AWAITING VCC REVIEW AND RECOMMENDATION

Maura Harrington – NA Fire Station Task Force

Malcolm MacGregor – NA Fire Station Task Force

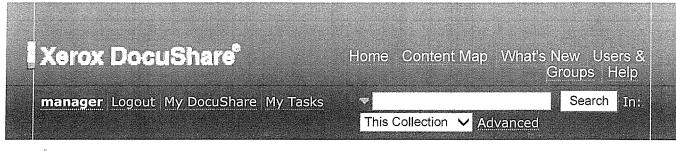
Vandarna Sharma – Sustainable Housing – applicant will sit in on

Committee's to see what she feels would be appropriate for her

#### AWAITING BOS REVIEW AND RECOMMENDATION

H.W. Flood – NA Fire Station Task Force Robert Puffer – NA Fire Station Task Force Robert Ingram – NA Fire Station Task Force Dale Chayes – NA Fire Station Task Force Peter Balkus - NA Fire Station Task Force Garry McCarthy – NA Fire Station Task Force

Leslie Johnson - Commission on Disabilities KG Suzanne Buckmelter -Board of Appeals - JA Renato Nakagomi - Green Advisory Committee - JS Aaron Goff - HDC- MG



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#### BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

October 7, 2013
Francis Faulkner Hearing Room 7:00 p.m.

Present: Ms. Adachi, Mr. Gowing, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Absent: Ms.

Green Recording Secretary; Christine Joyce. The meeting was televised.

#### CITIZENS' CONCERNS

Piotr Chadzynski had comments on the Transfer Station and is concerned about how to get tothe transfer station safely. He spoke of trash on the side of the road and wants to see proactive steps taken to change Route 2 and make an access lane to the transfer station. Hewould also like the Board to take immediate action to work with State authorities during the transfer transfer station.

#### CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux Town Counsel attended a hearing in Federal Court at 3:00 p.m today and they talked about whether Grace intended to oppose the town's motion regarding an exception from stay; they said they were not going the proceed that way. Another hearing will be held on November 8th regarding the town's motion for an emergency injunction. He and town staff held the Annual on the Hill meeting at which departments presented their Capital Budgets for FY'15.

He attended the 99th Annual ICMA Conference. He made a presentation on the town's visitor code of conduct.

Ms. Adachi <sub>-</sub>Spoke about the ribbon cutting for the new housing on Sachem Way. It was well attended. There is another in the series of Morrison Farm walks this Saturday and Ms. Adachi urged folks to attend.

#### **PUBLIC HEARINGS & APPOINTMENTS**

#### MORRISON FARM PRESENTATION

Chairman Mary Ann Ashton presented an overview report on the Morrison Farm Committee's work. They have been working on this site since 1997. They are looking to apply for CPA funds for some limited work on the site this year. They need to do work to preserve the historic assets on the farm. Under the current plan for this year, the meadows, community garden and fields will not be changed. They need to address the Ice House foundation as it needs attention and needs to be cleaned out and stabilized. They are also suggesting building a walking path. MFC intends to clear and resurface the parking lot at Ice House Pond. It is noted they may get 15 spaces for cars. The committee researched the barn and out buildings. They want to use these as part of the whole plan in the future. The house has been renovated and they feel it should not be used for affordable housing. They want to complete the trails to make connections and a future play area and unified use on the property. They are asking for support from the Board as they go to CPA.

Mr. Sonner thanked them for the overview. He noted that some of the numbers fall in to CPA and some fall out. He felt that we should wait until the ACHC comes back with their

suggestions and that we would rather do something sooner instead of leaving it in the wind. Mr. Clough thanked them for the tour. He found Bill Klauer's presentation very informational. He wanted to know what people are thinking about a use for the farm house and what we can do with it.

Ms. Adachi said she would like to see the house occupied by a care taker. She said the ACHC will be looking into the possible use of the house for affordable housing. Mr. Gowing asked about the entire walk around the pond. He asked where that will stop under the current plan. It would go to midway in the meadow and ends up at Ice House Pond. They all felt we need to get a short term plan for now. If we do something we need to limit the occupancy of the house to two years. He spoke about the route to the fields and asked about altering the parking so that people would not be walking through the house area.

Ms. Ashton said they do not want to put parking in the paddock and they want to leave it as is, and it was a conscious decision to put the parking at Ice House Pond. There is a new septic system that was installed when the town took it over, and they feel it is in good order. The Town Manager will check with the building dept. about occupancy. Herman Kabakoff asked if the barn is well enough to wait. It was noted that the barn was not that good but structurally Ok when it was reviewed a couple of years ago. Ms. Ashton asked for the Board's support throughout the CPA process and will check back before November as they finish the presentation to CPC.

#### CVS SITE PLAN CONTINUED FROM SEPTEMBER 9, TO OCTOBER 21ST AT 8:10

Mr. Sonner— Moved to continue to October 2ist Mr. Gowing second, UNANIMOUS VOTE

## MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT DISCUSSION WITH THE BOS REPRESENTATIVE, NANCY BANKS

Nancy Banks discussed the Minuteman Regional Vocational Technical School with the Board.

She asked that the Board support legislation, S228, to provide additional funding for regional and regional vocational school building projects. Ms. Banks outlined the major components of the bill and asked if anything in it raised red flags. Mr. Ledoux felt the formula was fair and better then the way it has been done in the past.

Mr. Gowing questioned the non-member costs to be paid by the member towns. He was concerned about the size of the proposed building. Ms. Banks said that for efficiency, they need to size it to 800 students. She feels we need to educate people on the issues that the graduates go on to the same colleges as the AB graduates and will have good paying jobs while in college due to their education at Minuteman.

Mr. Sonner asked if the proposal had a change in voting for budgets from all 16 communities having to reach agreement to a 2/3 vote. Mr. Sonner asked if there are community withdrawals, how are the OPEB liabilities addressed. He wanted to be sure we are not left holding the costs as towns exit.

Ms. Banks said she needed a sense tonight from the board for their support of S228 and will have more information when she meets with the school committee to discuss this and will get back to the Board.

Ms. Adachi asked if we could vote on this later. Ms. Banks said the letter needs to be transmitted by early November.

#### SELECTMEN'S BUSINESS

#### TOWN MANAGER TO PRESENT DEPARTMENTAL STRATEGIC PLAN

Mr. Ledoux outlined the process used to create the strategic plan, the flip charts used during the meeting, the employee recognition programs, and discussed employees going to Suffolk University as part of an MMA program. They did not talk about long range or strategic plan. He presented a slide show on the mission statement for the town. Mr. Sonner said he liked it and that he felt it looked good. He asked about the HR aspect and if it is visible to the public. He wanted to be sure that the goals and objectives aligned with the 2020 Plan. Mr. Clough noted it was a lot of work and did not know that it would be so filled with information.

## REQUEST FOR A FEE WAIVER FROM THE STORM WATER BYLAW, CHAPTER U, 564 MASSACHUSETTS AVE.

The Health Director is recommending to keep the permit fee for this request at \$1 10 and that the fee not be waived. He noted that there is run off into the storm drains at this parking lot.

Mr. Sonner asked about the fee and asked about it being two parcels on the corner. He noted he should have asked the Health Director yesterday.

Mr. Cough Moved to not waive the fee as requested. Mr. Gowing second. UNANIMOUS VOTE

## FOLLOW UP DISCUSSION ABOUT 20-12 PROPOSAL FOR SINGLE POLLING LOCATIONS

Ms. Adachi spoke about proposals to consolidate polling at one location. The LWV approached the Board and agreed to do a review of the issue themselves. They came back with a report just before town meeting. There were a lot of issues and the school department has made a commitment to make the two polling locations work for the time being.

Mr. Sonner said it was more efficient to have a single polling location for the town clerk's department, but felt that we should stay with what we have been doing for now. Mr. Clough said that he has not had any issues there when he votes.

Mr. Gowing said it would be ideal to find a space outside the schools and felt we should not have the voting at the schools. We are going to ask the region to approve this and they could say no and look at a plan that has us out of the schools

Ann Kadlec said there are issues and noted that the sq. footage is limiting. Voting at the High School would allow workable parking. It would work better at the High School and not at the Junior High. She considered the goal to get us all in one space that can expand. The sense was to keep it at two locations and to look at it again later on. Mr. Clough

suggested that the Town get the LWV and the Town Clerk in to discuss and continue to study issues on both sides, and that it be over seen by the Town Manager, his Assistant, and a Selectmen.

Mr. Gowing Moved to keep two polling locations for one more election cycle and to evaluate the actual need in town and then change our voting procedure accordingly. Mr. Clough Second. Motion WITHDRAWN

Mr. Cough asked when we want to revisit this. Ms. Adachi suggested May or June 2014 would be a good time.

We will put it on the agenda for May and give plenty of notice.

Ms. Adachi noted we should have a school representative in this discussion.

Mr. Sonner- Moved to keep two polling places through 2014 and to address the issue again at a Board of Selectman meeting next May. Mr. Cough second. UNANIMOUS VOTE

#### SELECTMEN'S REPORTS

Mr. Sonner Went over the agenda for the November meeting of the Green Advisory Committee. OML following up for committees.

Mr. Clough —spoke about having someone from the school address the fact that Danny's Place is not having their lease renewed. He said that we need to take a stand on the consideration of all the grade schools on one bus route and noted that it will double the traffic. It was suggested it be discussed at ALG. The Town Manager will also address this with the Superintendent.

OPEB meets Wednesday and Open Space Committee spoke about spaghetti lots and how they are not allowed by other towns. OSC asked that we look in to stopping this. DRB reviewed the Meadows Project. They want to get this on the agenda to see if the Board thinks they are doing a good job. The Finance Committee Point of View draft is out. Ms. Adachi WRAC met with their consultant and are working on a draft which the Health Director has offered to help on. They want to be closer to bringing this to Town Meeting. She will be meeting with Town Manager, Moderator, and COD on October 29 regarding accessibility issues at town meeting.

Mr. Gowing \_LRTA \_the LRTA had its state audit and did very well no major findings, two issues to be corrected will be creation of an OPEB trust in the creation of a compensation committee within the board. This will be the first year that the state pays them up front on their budget rather than reimburse them at the end of the year making them borrow money in the past. Their new \$8 million garage renovation went out to bid. A new state requirement will be to have a person with disabilities and a general rider from the communities on their board as a voting member for one-year terms. They will rotate annually from town to town. To begin, the PWD will be from Lowell and the rider will be from Acton. The town manager can choose the potential board member from Acton citizens.

Cory Atkins —1. The 1215 A.D. Magna Carta, the document upon which most of our common

laws are based, will be coming to Massachusetts to the MFA in the Clark Museum from

England between June and August 2014. 2. The legislature authorized \$300 million in chapter 90 monies; the governor vetoed it in the legislature overrode his veto unanimously but the Governor is only willing to release \$200 million to the cities and towns. 3. She has filed H 2945, an act relative to double utility poles. This bill aims to locate, identify and eliminate double utility poles in all communities. 4. Municipal sub bids when municipalities build new buildings, they often sub bid portions of the construction such as elevators. If a municipality receives fewer than three sub bids, it must accept one, even if the price is higher than the estimated cost. This comes from the AG's office. Her office is investigating. The threshold is quite low \$100,000. 5. The Ways and Means committee has agreed to take up OPEB this fall session. I asked her to write a letter to the DESE regarding their plan to decrease tuition for nonmember towns at Minuteman vocational school. She represents three Minuteman towns: Acton, Carlisle, and Concord.

HIT the health insurance trust had another presentation on retirees' part D drug costs. Currently the trust is using RDS and is considering EGWP. The switch would mean lower drug costs to the retirees but would eliminate some of the current covered drugs like vitamins and lifestyle drugs. The list of accepted drugs is set by the federal government annually.

COA the director gave an overview of the state annual report on COA's. There was discussion around the senior center development committee and the exercise course registration issues that the board has recently heard about. They also talked about the best way to move the senior tax relief legislation forward similar to Sudbury.

MMA breakfast the MMA breakfast was held in Shirley and was attended by the towns primarily in Representative Benson's district. Rep. Benson and State Sen. Jamie Eldridge attended. A good part of the discussion revolved around chapter 90 and chapter 70 funding as well as OPEB. Another concern was the cost associated with prevailing wage. There are several major projects in various towns that prevailing wage increased costs by a third. Determination of how prevailing wage is calculated also came up for discussion. Jamie brought up new legislation that he's filing including:

A water infrastructure bond bill to replenish the enterprise fund for water districts coupled with sustainable water regulations based on stream and River flow. Green infrastructure storm water management Bill for decentralized water treatment bond that would also allow technical assistance for cities and towns.

And a housing bond bill to replenish the low income tax credit account which is out of cash. Jen Benson brought up the following issues:

She is the vice chair of healthcare finance this year.

The legislature is looking at a bill better controlling compounding pharmacies.

She's on the public service commission which has oversight on OPEB. Any thoughts or concerns on the governor's reform bill should be directed to her.

She is looking to develop a SPED stabilization fund to help with large changes for communities in SPED costs.

Final

#### **CONSENT**

Mr. Gowing Hold Extra Consent Yard Sale traffic situation. Urge them to hold it behind the library, they cannot approve of the front lawn.

Mr. Gowing Moved to approve the Consent Items Mr. Sonner second. UNANIMOUS VOTE

Mr. Sonner - Moved to approve the request from the Boy Scouts for use of the lawn if held behind the library off Main Street. Mr. Gowing \_second. UNANIMOUS VOTE

Christine Joyce Clerk		
Recording Secty	Clerk	

1017

## BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Francis Faulkner Hearing Room
October 7, 2013
7:00 P.M.

- I. CITIZENS' CONCERNS
- II. PUBLIC HEARINGS AND APPOINTMENTS

  - 2. 7:10 MORRISON FARM PRESENTATION
    See enclosed materials
  - 3. 7:35 SITE PLAN, CVS CONTINUED FROM SEPTEMBER 9TH
    See enclosed materials
  - 4. 7:55 NANCY BANKS, SELECTMEN'S REPRESENTATIVE TO MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT WILL UPDATE THE BOARD AND ASK FOR BOARD SUPPORT FOR SENATE BILL NO. 228

See enclosed materials

#### SELECTMEN'S BUSINESS

- TOWN MANAGER TO PRESENT DEPARTMENTAL STRATEGIC PLAN See enclosed materials
- 6. REQUEST FROM HOWARD CANNING FOR A FEE WAIVER FROM THE STORM WATER BYLAW CHAPTER U, AT 564 MASSACHUSETTS AVENUE

See enclosed materials

## 7. FOLLOW UP DISCUSSION ABOUT 2012 PROPOSAL FOR SINGLE POLLING LOCATIONS

#### SELECTMEN'S REPORTS

#### III. CONSENT AGENDA

- 8. UNITED NATIONS DAY PROCLAMATION, 2013
  - See enclosed materials
- DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY
   See enclosed materials
- 10. COMMITTEE APPOINTMENT, LESLIE JOHNSON, COMMISSION ON DISABILITIES, ASSOCIATE MEMBER TO FILL THE UNEXPIRED TERM OF MS. KOHOUT TO 6/30/14

See enclosed materials

#### 11. ACCEPT GIFT, PLANNING DEPARTMENT

See enclosed a gift of \$5,000.00 to be used to pay consultant fees for cell tower review, 5 Craig Road

See enclosed materials

#### **EXECUTIVE SESSION**

#### ADDITIONAL INFORMATION

See enclosed correspondence that is strictly informational and requires no Board action

#### FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda

October 21	November 4

#### **PENDING MINUTES**

#### PENDING COMMITTEE APPOINTMENTS

May 13, September 9 &23

AWAITING VCC REVIEW AND RECOMMENDATION

Vandarna Sharma – Interested in Sustainable Housing – applicant will sit in on Committee's to see what she feels would be appropriate for her interests

#### AWAITING BOS REVIEW AND RECOMMENDATION

H.W. Flood – NA Fire Station Task Force Robert Puffer – NA Fire Station Task Force Robert Ingram – NA Fire Station Task Force Dale Chayes – NA Fire Station Task Force Peter Balkus - NA Fire Station Task Force Garry McCarthy – NA Fire Station Task Force Maura Harrington – NA Fire Station Task Force Malcolm MacGregor – NA Fire Station Task Force

Suzanne Buckmelter --Board of Appeals - JA Renato Nakagomi - Green Advisory Committee – JS Aaron Goff – HDC- MG

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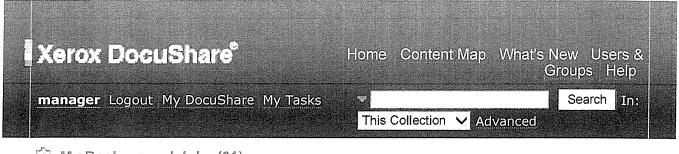
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	020 (3) CVS Project Materials, 400 Mass Ave. Site Plan 8.1.13-444 ₽	manager	10/03/13	348 KB	
FOR	030 (4) Minute Man Regional Agreement and Draft Amendments	manager	10/03/13	1 MB	
□ Fof	040 (5) Succession Planning and Town of Acton Strategic Plan	manager	10/03/13	351 KB	
T FDH	050 (6) Request for Fee Waiver, Mr. Howard Canning ☑	manager	10/03/13	<b>991</b> KB	
FDF	060 (8) United Nations  Day Proclamation	manager	10/03/13	24 KB	
FDF	070 (9) Disposal of Obsolete Materails, AML	manager	10/03/13	13 KB	
Por	080 (10) Committee Appointment COD, Leslie Johnson	manager	10/03/13	140 KB	图图D 7
	090 (11) Accept Gift, Planning Department	manager	10/03/13	<b>25</b> KB	EQD07



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## Town of Acton BOARD OF SELECTMEN May 13, 2013 At 7:00 p.m. Francis Faulkner Hearing Room

#### Board of Selectmen to take position on Special Town Meeting Warrant Articles

Chairman Adachi opened the meeting at 7 PM. The purpose of tonight's meeting is to take positions on Town Meeting articles, so we will not have our normal time for citizen's concerns. The Selectmen will need to restrict the special Town Meeting to one night due to factors outside of the Selectmen's control; asked that the Selectmen consider this and use their discretion as they consider articles for the meeting.

#### Article 1-3

Peter Ashton gave an overview of the financial model for school regionalization with Boxborough. (See attached) Each tab of the spreadsheet showed a different scenario. One would need to consider them all to make a thoughtful decision. The tabs reflect Don Acardi's numbers of approx 3% annual budget increases across the board for Acton and Boxborough. The spreadsheet is based on increases smaller than what ALG shows (built in reduced expenditures) as lower enrollment is expected until 2020. Peter continued to explain the reason each tab exist on the spreadsheet, such as a cost sharing formula for the first 5 years. In conclusion, we need to look at the big picture; Acton will save even the first year. Those savings might go to the tax payer and the voters will decide this at future Town Meetings. Administrative savings are real. It will be Acton's decision; they have the votes on School Committee. There is a reporting process outlined to see how the costs align with predictions. Retirement savings from Blanchard are real.

Selectman Clough questioned the decline in enrollment and why that would need regionalization. Peter corrected that his numbers show a 429 student decline not 520, which in 2020 it goes back up to 529. Selectman Clough would like to see savings. Peter explained that it is too short of a decline to close any elementary school temporarily. David commented that it comes down to trust, he needs some answers. Acton is fine not broken why put it at risk?

Selectmen Green implored that we can help Boxborough, they will not be sustainable for long term. Look at the educational value, not just money. Don't underestimate the educational benefits and the addition of another building another choice in Acton. Katie will vote yes for the regionalization.

Chairman Adachi is not so sure what is in it for Acton. What is the real cost savings in administrative sharing; is it saving money or cutting benefits. If I lived in Boxborough of course I would want it. I am still on the fence.

Steve Noone: Point of clarification, he did not use school's numbers, he used DESE numbers for current years and the school's projected enrollment numbers for subsequent years. Steve thinks the number is 520 students, whichever number you use, we are talking a school. People feel they need to endorse School Committee and regionalization. But if you are voting yes, you are voting for the increasing assessment of 106% of the increased cost for at a minimum the next 8 years. We do not have a broken school system; we do not need to fix it. Boxborough could vote to pay taxes to support sustaining the school but they do not in Boxborough and that is by choice. Wish there was a better deal for Acton

Paul Murphy: Think about kids with special needs? Really it gives another building for another use in Boxborough. You could specialize by use school buildings at various locations of choice. About 15% Boxborough now gets another choice program and for less money. Kids in the middle are affected, studies show that is all about class size.

Charlie Kadlec: There is an implication in Peter's study that if we didn't plan correctly we can do something about it to correct it. We can't go back.

Dennis Bruce: We need to look at what is trying to be accomplished not just the numbers, look at the end game, what is best for the town. Opportunities to make a group of three (AB, Region and Boxborough) unite and morph into something great. We need to expand on something that works to make the all the schools more efficient. Think about accomplishing the grand plan. Don't just look at finances as that is how the whole thing started. We are trying to make the schools and the system better and more efficient.

Selectmen Gowing: The school system will be improved. People without children will bear the cost. What is the cost to them? The BOS represents everyone not just those with school age children.

Terra Freidrichs: Has anyone spoken to and asked the teachers? Selectmen Sonner responded yes.

Selectman Sonner I am voting yes, if we don't take advantage of it now we will pay later and regret it in the future. It is a tough decision and there are risks, there will be efficiencies and savings, I am voting yes. Selectman Clough. Not at yes yet, not sure.

Chairman Adachi: Given that I am still not certain my tendency will be to vote against the article.

Selectmen Gowing is on the fence, I will vote a very soft yes.

Selectman Green will vote in favor of the article.

Article 1, Selectman Sonner voted to recommend, Selectmen Gowing seconds, the vote passes 3 to 2.

Steve Noone: asked about the articles to deal with the transfer of property, Steve Ledoux stated that it will be taken later in the spring on advice of Town Counsel it will not be taken up at this meeting. It will be taken up later as a separate article.

Peter Ashton, section 4 B talks about it but the MOA will come later. And there will be another separate vote. Charlie would like answers from Town Counsel.

Ann Chang, this regionalization questions with all its many intricate questions should limit this special Town Meeting to the one subject of regionalization.

Article 2, Selectman Adachi motion to Amend Town Charters, School Committee, and Selectman Green seconds: Selectman Sonner motioned to recommend, 4 voted in favor, 1 no vote.

Article 3, Selectmen Adachi motioned to amend town charter School Committee to recommend, Selectmen Gowing seconded, all in voted in favor.

Article 4, CPC Open Space Acquisition: to acquire the Anderson Property (presentation made by the Town Planner Roland Bartl). Steve Ledoux added that there is a restrictive timeline under chapter 61B of 120 days to be approved at Town Meeting, less 2 weeks since the offer was made. Selectmen Gowing moved to approve Selectman Clough seconded. Peter Ashton is concerned that even though the Open Space Committee has talked about it and rated it as # 2 of choice Acton properties over the years, it has not been discussed in public. It is a 40 acre parcel of which 20.7 acres are available to purchase. The other 20 acres might become available. 10 acres might be available as it backs up to wetlands so really is 30 acres for the price of 20. All voted in favor,

Article 5, Collective Bargaining Agreement: Fire FY14-FY16 contract, the Town Manager spoke to the funding of the contracts

Selectman Gowing recommended Selectman Sonner seconded. All voted in favor of the article.

Article 6, Amend Town Bylaw-Ice-cream Truck Permitting Fee: the Town Manager spoke to the reason for the permitting. The fees would cover CORI and finger printing checks. The estimated fee would be \$100. Selectman Sonner motioned to recommend, Selectman Green seconded, all voted in favor.

Article 7 and 8, Extension of Quarry Road and Relocation of Kennedy Right-of-Way: Relocate by extension of Quarry Road.

Selectman Gowing moved to recommend, Selectman Sonner seconded, all voted in favor.

Article 9, Amend Town Bylaw- Establish a Temporary Moratorium on New Construction in Village District. Ann Chang, is it legal? The town Managers advised that the Article went under review by Town Counsel. Scott Kutil – a Windsor Ave. resident did the presentation, he and Wayne Freidrichs put this article together. A moratorium has to apply to zoning district, so this is a larger area than they are concerned with in total. The

purpose is to create a new zoning district, "The Village Historic District". Once the moratorium lifted it will only affect the village. Wayne and Terra Friedrichs spoke to protecting the area. Renee Robins spoke to the historic significance of the area and the importance of rezoning.

Selectman Sonner wanted to clarify that the zoning consists of 2/3 area in historic district 1/3 of the area outside of the district. Land is bought with the purpose of developing, in this case there are 2 lots one in each district. Steinberg wants to make it into 5 lots.

Selectman Clough, the 2 family built previously must have slipped through, not sure how that was allowed. Selectman Gowing the existing proposal is going forward. Wayne commented that we as a group understand that, what we want is to control the 5/6 acres that will be next from large development. We should really rethink the zoning issue. Selectman Green, Article 12 could deal with this and redoing the zoning would really take time, more than a year. Wish Town Counsel was here to advise and a working group could help. Chairman Adachi, although I am sympathetic, it affects more than the district and there is mixed housing on Windsor Ave. We need further information.

Renee Robins we are protecting a district that is 150 years old. If you take value from our district, you take money from me and my neighbors. Why does a business man not from Acton rate protection over an Acton resident?

Wayne Friedrichs we will not affect this building, but looking to the future we want to stop it from going north. Renee Robins Really about Acton and the beauty that is special in all the historic districts.

Ann Chang, Trey Shupert took 3 years for just to develop a plan for West Acton. It will not be for 1 year. Selectman Sonner moved to defer making a recommendation on the article, Selectman Green seconded; 4 votes in favor of deferring and Selectman Gowing opposes.

Article 10 and 11, Amend Zoning Bylaw-Signs and Advertising Devices and Typographical Corrections Selectman Sonner recommends, Selectman Gowing seconded, all voted in favor.

The Chairman asked the Town manager what happens if Town meeting continues, we would need room alternative rooms. Acton T V is working to have cameras available in alternative rooms.

Some discussion on the order of Articles for presentation, Article 1 first, consent Articles in the middle and zoning at the end. Article 1 is a ballot vote, Charlie Kadlec noted, depending on how vote is taken it might take a lot of time.

#### Articles to be moved to consent:

Article #5 – Collective Bargaining Agreement Fire FY14-16

Article #6 - Amend Town Bylaw-Ice-cream Truck Permitting Fee

Article #7 and #8 - Extension of Quarry Road and Relocation of Kennedy Right-of-Way

Article #10 and #11- Amend Zoning Bylaw-Signs and Advertising Devices and Typographical Corrections

#### **Article Assignments:**

Article 1-3, Selectmen Green

Article 4, CPC, Selectmen Clough

Article 5, CB, Chairman Adachi

Article 6, Ice Cream Truck Permit, Selectman Sonner

Article 7 & 8, Relocation of Right of Way, Selectmen Sonner

Article 10 & 11, Zoning Bylaw, Selectmen Clough

Article 12 and 9, Moratorium in W. Acton and Two family dwellings, Selectman Gowing

Selectman Gowing moved to close the meeting, Chairman Adachi seconded, all voted to adjourn.

# Town of Acton BOARD OF SELECTMEN May 13, 2013 At 7:00 p.m. Francis Faulkner Hearing Room

Board of Selectmen to take position on Special Town Meeting Warrant Articles